IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 17651 of 1994

Between:

1 N.Rajasham, s/o. rajamallu,
Chitukula , Medak Dist.
2 Vittamma, w/o. doulaiah,
Nallavagu, Medak Dist.
3 Ch. Nagamma, W/o. veerappa,
Nallavagu, Medak Dist.
4 A.Ramesh, S/o. Chendraiah,
Nallavagu, Medak Dist.
5 N.Sailoo, S/o. Thukaram,
Nallavagu, Medak Dist.
6 M.Dasarath, S/o. Ramulu,
Nallavagu, Medak Dist.
7 G.Mohan, S/o. Sayanna,
Nallavagu, Medak Dist.
8 K.Narasimlu, S/o. Ramaiah,
Nallavagu, Medak Dist.
9 G.Sailoo, S/o. Bhoomaiah,
Nallavagu, Medak Dist.
10 B.Prabhakar, S/o. b.Ramaiah,
Nallavagu, Medak Dist.
11 S.Ramachandram, S/o. Rajaiah,
Nallavagu, Medak Dist.

..... PETITIONERS

AND

1 The Deputy Director of Social Welfare Sangareddy, Medak Dist.
2 The Secretary, A.P.S.W.R.E.I,Society, Masabtank, Hyderabad.
3 The Collector/Chairman, A.P.S.W.R.E.I.,Sangareddy, Medak Dist.
4 The Principal, A.P.S.W.R.E.I. School Narayankhed, Medak Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in filling up the class-IV posts through direct recruitment without considering the case of the petitioners for promotion or conversion in the existing vacancies by issuing circular Rc.No.A2/3243/91/APSWREIS, dt.8-4-94 as illegal and arbitrary and consequentially direct the respondents to consider the case of the petitioner for promotion in III category of Class-IV posts or conversion into other posts as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.M.L.ALI
Counsel for the Respondents No 1&3: GP FOR SOCIAL WELFARE
Counsel for the respondents No.2&4: Mr.Moola Vijaya Bhaskar

The Court made the following:

THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

W.P.No.17651 of 1994

ORAL ORDER:

This writ petition is filed challenging the action of the respondents in filling up the Class-IV posts through direct recruitment without considering the case of the petitioners for promotion or conversion in the existing vacancies by issuing circular in RC.No.A2/3243/91/APSWREIS, dated 08.04.1994 as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioners for promotion in III Category of Class-IV posts or for conversion into other posts.

The petitioners stated that they are all working as scavenger, Sweepers, Watchmen and Cooks (Last category in Class-IV) in the Andhra Pradesh Social Welfare Residential Educational Institutions Society, Schools situated at Nallavagu, Chitugula and Narayankhed in Medak Dist and since the date of their appointment they have been discharging their duties satisfactorily to their superiors.

The grievance of the petitioners is that even though they are working in the said posts for the last several years, they have not been promoted to the next category and they have acquired minimum necessary qualification for being appointed to the next category, till now their case was not considered for the existing vacancies.

In the counter affidavit filed on behalf of the respondents, it is stated that the scale of Attenders and Watchman, Cook, Helper, Sweeper and Scavenger are identical. Therefore, the question of promotion to the petitioners in the category of Watchman, Cook, Helper, Sweeper and Scavenger to the post of Attender does not arise. As per the service Rules of the Andhra Pradesh Social Welfare Residential Educational Institutions Society, the petitioners are not eligible for promotion since they have no equal educational qualification for the post of Attender. It is further stated that the conversion of Class IV employees to the post of Attender was in fact referred to the society for consideration and the society by Circular dated 08.04.1994 in RC.No.A2/3243/91/APSWREIS, has clarified that there is no provision for converting Class IV employees.

Since no provision was made available in the service recruitment of Andhra Pradesh Social Welfare Residential Educational Institutions Society for conversion of the posts Watchman, Cook, Helper, Sweeper and Scavenger into Attender post, the second respondent passed impugned order rejecting the claim of the petitioners.

Considering the facts and circumstances of the case, I do not see any ground to grant relief sought for by the petitioners. Accordingly, the writ petition is dismissed. No costs.

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(GHULAM MOHAMMED, J)

Dated 22nd July, 2004.

YCR/KK

To

1 The Deputy Director of Social Welfare Sangareddy, Medak Dist.
2 The Secretary, A.P.S.W.R.E.I,Society, Masabtank, Hyderabad.
3 The Collector/Chairman, A.P.S.W.R.E.I.,Sangareddy, Medak Dist.
4 The Principal, A.P.S.W.R.E.I. School Narayankhed, Medak Dist.

5. 2 C.C.s to GP for Social Welfare, High Court Bldgs., Hyderabad.

(O.U.T.)

6. 2 C.D. copies.